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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/726,219      | 12/02/2003  | William L. Grilliot  | MOR3334P2060US      | 3750             |

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
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EXAMINER

WELCH, GARY L

ART UNIT PAPER NUMBER

3765

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/726,219

**Applicant(s)**

GRILLIOT ET AL.

**Examiner**

Gary L. Welch

**Art Unit**

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12022003.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

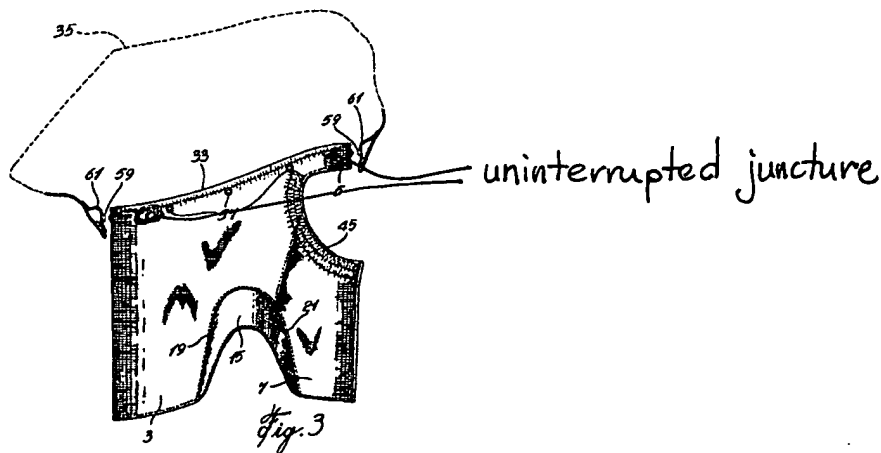
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Barbeau et al. (U.S. 6,260,207).

Barbeau et al. discloses a firefighter protective helmet (not pictured), a cover 35 and a shroud 1. The cover 35 is joined to the shroud 1 along an uninterrupted juncture extending around the posterior portion of the head of the wearer thereby eliminating any gap between the shroud and the cover.



With regard to claim 2, the uninterrupted juncture does not extend around the anterior portion of the head of the wearer.

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With regard to claims 3-6, the cover and the shroud have outer surfaces that are heat-reflective and aluminized (Col. 2, lines 48-49 and Col. 3, lines 20-21).

With regard to claim 10, the uninterrupted juncture is included in a common region forming an integral part of the cover and forming an integral part of the shroud.

With regard to claims 11-12, the common region including the uninterrupted juncture has an outer surface that is heat-reflective and aluminized.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbeau et al. (U.S. 6,260,207).

Barbeau et al. discloses the invention substantially as claimed above.

However, Barbeau et al. does not disclose a permanent seam at the uninterrupted juncture.

Barbeau et al. teaches means 59 for releasably detaching shroud 1 to cover 35 at the uninterrupted juncture. It is well known in the art that various types of fastening mechanisms are functionally equivalent. Hook and loop, button and buttonhole, hook and catch, snaps, zipper, sewing and adhesive are a few examples. These fasteners may be used interchangeably depending upon the desired aesthetic effect. Therefore, it would have been obvious to one of ordinary skill to sew the shroud to the cover in order

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to ensure that that the shroud and cover juncture is completely uninterrupted along the periphery thereof.

5. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Barbeau et al. (U.S. 6,260,207) in view of Saniscalchi (U.S. 4,803,109).

Barbeau et al. discloses the invention substantially as claimed above.

However, Barbeau et al. does not disclose that the seam is sealed by an adhesive sealant 20 so as to be fluid-impervious.

Saniscalchi teaches waterproofing stitch lines in garments using an adhesive sealant (Col. 3, lines 38-51). The adhesive sealant ensures water impermeability at the seams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an adhesive sealant as taught by Saniscalchi to the stitched seams of Barbeau et al. (as disclosed in paragraph 4) thereby ensuring water impermeability at the seams thereby keeping the wearer dry and protected.

### ***Conclusion***


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Daniels '319, Avey '163, Schuessler '853 and Davidson '469 disclose a protective helmet, a cover and a shroud protecting portions of the wearer's neck and face. Reed '360 discloses a protective hood and shroud for a firefighter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw